
*Changes to legislation: There are currently no known outstanding effects
for the Enterprise Act 2016, Paragraph 9. (See end of Document for details)*

SCHEDULES

SCHEDULE 4

THE INSTITUTE FOR APPRENTICESHIPS

9 Before Schedule 1 insert—

“SCHEDULE A1

THE INSTITUTE FOR APPRENTICESHIPS

Status

1 The IfA is to perform its functions on behalf of the Crown.

Membership

- 2 (1) The IfA is to consist of—
- (a) a member appointed by the Secretary of State to chair the IfA (“the chair”);
 - (b) the chief executive appointed in accordance with paragraph 5;
 - (c) at least 4 and no more than 10 other members appointed by the Secretary of State.
- (2) The chair and members appointed under sub-paragraph (1)(c) are referred to in this Schedule as the “non-executive members”.

Tenure of non-executive members

- 3 (1) The non-executive members hold and vacate office in accordance with the terms of their appointment.
- (2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.
- (3) A non-executive member must not be appointed for a term of more than five years.
- (4) A non-executive member may resign from office at any time by giving written notice to the Secretary of State.
- (5) The Secretary of State may remove a non-executive member from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of office;
 - (b) absence from the IfA's meetings for a continuous period of more than 6 months without the IfA's permission.

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- (6) The previous appointment of a person as a non-executive member does not affect the person's eligibility for re-appointment.

Remuneration of non-executive members

- 4 (1) The IfA must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to its non-executive members.
- (2) The IfA must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a person who is or has been a non-executive member.
- (3) If a person ceases to be a non-executive member of the IfA and the Secretary of State decides that the person should be compensated because of special circumstances, the IfA must pay compensation to the person.
- (4) The amount of a payment under sub-paragraph (1), (2) or (3) is to be determined by the Secretary of State.
- (5) Service as a non-executive member is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply (see Schedule 1 to that Act).
- (6) The IfA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of non-executive members in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Chief executive and other staff

- 5 (1) The first chief executive is to be appointed by the Secretary of State on conditions of service determined by the Secretary of State, after consulting the chair.
- (2) Subsequent chief executives are to be appointed by the IfA after consulting the Secretary of State.
- (3) The chief executive must not be appointed for a term of more than five years.
- (4) The previous appointment of a person as chief executive does not affect the person's eligibility for re-appointment.
- (5) The chief executive holds that office as a member of staff of the IfA.
- (6) The IfA may appoint other members of staff.
- (7) Service as a member of staff of the IfA is employment in the civil service of the State.
- (8) The following are to be determined by the IfA with the approval of the Secretary of State—
- (a) the number of members of staff of the IfA (in addition to the chief executive);
 - (b) the conditions of service of staff of the IfA.

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(9) Sub-paragraph (8)(b) is subject to sub-paragraph (1).

Arrangements with Secretary of State

6 The Secretary of State and the IfA may enter into arrangements with each other for the provision to the IfA by the Secretary of State, on such terms as may be agreed, of staff, accommodation or services.

Committees

7 (1) The IfA may establish committees, and any committee established by the IfA may establish sub-committees.

(2) The IfA may—

- (a) dissolve a sub-committee established under sub-paragraph (1), or
- (b) alter the purposes for which such a sub-committee is established.

(3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as an “IfA committee”.

(4) An IfA committee must include at least two persons who are members of the IfA or its staff.

(5) The IfA may, with the approval of the Secretary of State, arrange for the payment of remuneration, allowances and expenses to any person who—

- (a) is a member of an IfA committee, but
- (b) is not a member of the IfA or its staff.

(6) The IfA must, if directed to do so by the Secretary of State, review—

- (a) the structure of IfA committees, and
- (b) the scope of the activities of each IfA committee.

Procedure

8 (1) The IfA may regulate—

- (a) its own proceedings (including quorum), and
- (b) the procedure (including quorum) of IfA committees.

(2) The validity of proceedings of the IfA, or of an IfA committee, is not affected by—

- (a) a vacancy;
- (b) a defective appointment.

Exercise of functions

9 (1) Subject to sub-paragraphs (2) and (3), the IfA may authorise any of the following to exercise functions on its behalf—

- (a) a member of the IfA;
- (b) a member of the IfA's staff;
- (c) an IfA committee;
- (d) any other person.

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- (2) The IfA may not authorise any of the functions under sections A2, A2A and A2E to A2I to be exercised on its behalf—
 - (a) under sub-paragraph (1)(c), by a committee a majority of the members of which are not members of the IfA's staff, or
 - (b) under sub-paragraph (1)(d).
- (3) The IfA may authorise the exercise on its behalf of functions that have been—
 - (a) delegated to the IfA by directions under section ZA4, or
 - (b) conferred on the IfA by regulations under section ZA5,
 only if and to the extent that the directions or regulations so provide.

Supplementary powers

- 10 (1) The IfA may—
 - (a) provide information or advice to any person in connection with any of the IfA's functions;
 - (b) co-operate or work jointly with any person where it is appropriate to do so for the efficient and effective performance of any of the IfA's functions;
 - (c) carry out research for the purposes of, or in connection with, the IfA's functions;
 - (d) do anything else that the IfA considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) The power in sub-paragraph (1)(d) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The IfA may not borrow money.
- (4) The IfA may not, without the consent of the Secretary of State—
 - (a) lend money,
 - (b) form, participate in forming or invest in a company, or
 - (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993).
- (5) In sub-paragraph (4) the reference to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.

Accounts and reports

- 11 (1) The IfA must—
 - (a) keep proper accounts and proper records in relation to its accounts, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State as to—
 - (a) the information to be contained in it,

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- (b) the manner in which such information is to be presented, or
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The IfA must send a copy of each statement of accounts to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,before the end of the month of August following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament—
 - (a) a copy of each statement sent to the Secretary of State under sub-paragraph (3), and
 - (b) a copy of each report and certified statement sent to the Secretary of State under sub-paragraph (4).
- (6) “Financial year” has the meaning given by section ZA6(6) (annual and other reports).

Application of seal and proof of documents

- 12 (1) The application of the IfA's seal must be authenticated by the signature of—
 - (a) the chief executive, or
 - (b) a member of the IfA who has been authorised by the IfA for that purpose (whether generally or specifically).
- (2) A document purporting to be duly executed under the IfA's seal, or signed on its behalf—
 - (a) is to be received in evidence, and
 - (b) is to be treated as executed or signed in that way, unless the contrary is proved.

Funding

- 13 (1) The Secretary of State may make grants to the IfA, or provide the IfA with any other kind of financial assistance, subject to any conditions that the Secretary of State considers appropriate.
- (2) The conditions may, in particular—
 - (a) enable the Secretary of State to require full or partial repayment of sums paid by the Secretary of State if any of the conditions are not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid.”

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Commencement Information

II Sch. 4 para. 9 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

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